

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

**LEWIS KEY, JR., a/k/a Samuel Lewis
Key, Jr.,**

Plaintiff,

v.

GIL HARRINGTON, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)
)

CIVIL ACTION NO. 5:13-CV-134 (MTT)

ORDER

Before the Court is the Recommendation of United States Magistrate Judge Stephen Hyles. (Doc. 5). The Magistrate Judge recommends dismissing the Plaintiff's claims against Defendants Harrington, White, Hart, former River Willows Administrator Jane Doe, Lacieski, the State Board of Pardons and Paroles, Johnson State Prison, and River Willows Nursing Center following a preliminary screening of his Complaint pursuant to 28 U.S.C. § 1915A(a). The Plaintiff failed to make any material allegations against Defendants Lacieski, Jane Doe, and White, and did not allege injury as a result of River Willows' policy or custom. As to Harrington and Hart, the Plaintiff did not allege a causal connection between their actions and his injury that would permit their liability as supervisors. Georgia's State Board of Pardons and Paroles cannot be sued under a

theory of respondeat superior, and further, it is immune under the Eleventh Amendment. Finally, "Johnson State Prison" is not a proper defendant in a § 1983 action.¹

The Plaintiff has filed an objection to the Recommendation. (Doc. 8). Pursuant to 28 U.S.C. § 636(b)(1), the Court considered the Plaintiff's objection and has made a de novo determination of the portions of the Recommendation to which he objects. The Plaintiff's objection suggests additional facts *may* exist that illuminate the potential liability of some of the Defendants dismissed by this Order. However, an objection is not the appropriate means for presenting additional allegations, and if such facts do exist, the Plaintiff should file an amended complaint.

Accordingly, the Court **ADOPTS** the Recommendation and makes it the **ORDER** of this Court. The Plaintiff's claims against Defendants Harrington, White, Hart, former River Willows Administrator Jane Doe, Lacieski, State of Georgia, Johnson State Prison, and River Willows Nursing Center are **DISMISSED without prejudice**. The Plaintiff's remaining claims against Defendants Cravey, Currey, and Linda Doe will go forward as Ordered by the Magistrate Judge.

SO ORDERED, this 16th day of July, 2013.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

¹ To whatever extent the Plaintiff may intend to name as Defendants the individual prison officers operating the van in which he was first injured, the Plaintiff has not sufficiently identified those officers, nor has he alleged facts to suggest they were deliberately indifferent to his injury.